

## PROPOSAL

### AGREEMENT ON THE ESTABLISHMENT OF THE TRANSITIONAL GOVERNMENT OF NATIONAL UNITY (TGoNU) IN THE REPUBLIC OF SOUTH SUDAN

**Key:**

**Shaded yellow= Agreed**

**Shaded Blue= Disagreed (SPLM/A (IO))**

**Shaded Green= Disagreed (GRSS)**

We, the Government of the Republic of South Sudan (hereinafter referred to as the “GRSS”), the Sudan People’s Liberation Movement/Army (in Opposition) (hereinafter referred to as the (SPLM/A (IO)), ~~the SPLM Leaders (Former Detainees), and, the Other Political Parties of South Sudan,~~ jointly referred to as “the Parties” to this Agreement; *(Modified by both Parties. The FDs and Political Parties shall be witnesses to the Agreement).*

**Cognizant** of the tremendous damage and suffering caused by the crisis in our country, the Republic of South Sudan, since December 2013;

**Recognizing** the grave danger posed by the continuation of conflict in South Sudan;

**Further recognizing** that armed conflict will only further damage the country and the lives of millions of South Sudanese;

**Accepting** the need for profound structural, institutional and political reforms in South Sudan;

**Recalling** the commitments made to resolve the crisis in South Sudan, namely the Cessation of Hostilities Agreement of January 23, 2014; the Agreement to Resolve the Crisis in South Sudan of May 9, 2014, and the commitment of the Parties to form a Transitional Government of National Unity in South Sudan without further delay;

*Cognizant of the complementarity of the Arusha Intra-SPLM Dialogue and the road map Agreement on the SPLM Reunification with this Peace Agreement- SPLM/A (IO);*

Hereby agree the following:

*Reconstitution of Government structures at national, state and local levels- SPLM/A (IO)*

*Reconstitution of Government structures at the national level- GRSS*

#### **I. Structure and Mandate of the Transitional Government of National Unity**

1. There shall be established in South Sudan a Transitional Government of National Unity (TGoNU), no later than July 9, 2015. The term of the TGoNU shall be thirty (30) months to be preceded by a pre-Transition Period of three (3) months.

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2. The Executive of the TGoNU shall comprise the President of the Republic, the First Vice President, and the Vice President and the Council of Ministers. *(Accepted by SPLM/A (IO))*

*The Executive of the TGoNU shall comprise the President of the Republic, two Vice Presidents of equal status and the Council of Ministers- GRSS.*

3. The President and the Vice President of the TGoNU shall be the incumbent President and Vice President of the Republic. The SPLM/A (IO) shall nominate the First Vice President of the TGoNU.

*The President and the one of the two Vice Presidents of the TGoNU shall be the incumbent President and the incumbent Vice President of the Republic respectively. The other Vice President shall be the Chairman and Commander in Chief of the SPLM/A (IO) or his nominee- GRSS.*

*The President and the Vice President of the TGoNU shall be the incumbent President and Vice President of the Republic. The Chairman and Commander in Chief of the SPLM/A (IO) shall be the First Vice President of the TGoNU- SPLM/A (IO).*

4. Should the office of the President or the office of the First Vice President fall vacant during the Transition Period for any reason, including mental infirmity or physical incapacity of the office holder, then the office of President or First Vice President, respectively, will be assumed by the nominee of the respective party.

*Should the office of the President of the Republic fall vacant during the Transition Period, the Speaker of the National Legislature shall assume the Office of the President pending decision by the GRSS on the successor. Should the office of any of the two Vice Presidents fall vacant during the Transitional Period, that office shall be filled by a nominee of the respective Party- GRSS.*

*Should the office of the President of the Republic fall vacant during the Transition Period for any reasons, including mental infirmity or physical incapacity of the office holder, then the First Vice President shall assume office until the SPLM decide on the succession. Should the office of the First Vice President fall vacant then the Vice President shall assume the responsibilities of the office of the First Vice President until the SPLM decides- SPLM/A (IO).*

### 5. The mandate of the TGoNU shall be to:

- a. Implement the Peace Agreement and restore peace, security and order in the country;
- b. Expedite the relief, repatriation, rehabilitation and resettlement of IDPs and returnees;
- c. Facilitate and oversee a process of national reconciliation and healing through an independent mechanism *as per the Articles of this Peace Agreement*;
- d. Implement critical reforms in governance *(security, economic and governance- SPLM/A (IO))*;
- e. Oversee the Permanent Constitution-making *process*;
- f. Work closely with the African Union, the IGAD region, and the international community, to consolidate peace and stability in the country;
- g. Facilitate the work of the transitional justice institutions to be established, including the Commission for Truth, Reconciliation, and Healing, the Reparations Commission

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~~(Reparations Commission to be deleted- GRSS)~~, and the independent hybrid judicial body, ~~(and cooperate with other international tribunals- SPLM/A (IO))~~.

- h. Ensure prudent, transparent and accountable management of national wealth and resources to build the nation and promote the welfare of the people;
- i. Carry out routine functions of government;
- j. Rehabilitate and reform the civil service;
- k. ~~Carry out~~ **Implement** security sector reforms and security sector transformation;
- l. Rebuild destroyed physical infrastructure in conflict-affected areas and give special attention to prioritizing the rebuilding of livelihoods of those affected by conflict;
- m. Establish a special fund for reconstruction of conflict affected areas and compensation of persons whose property has been destroyed;

~~Establish a special fund for reconstruction of conflict affected areas and providing material and financial support to citizens affected by conflict and to rebuild their livelihoods in accordance with a well established criteria- GRSS;~~

~~Establish a special fund for reconstruction of conflict affected areas and compensation of lost lives during the current conflict and persons whose property has been destroyed in accordance with rules and regulations of the Special Fund- SPLM/A (IO);~~

- ~~n. Conduct free and fair general elections towards the end of the Transitional Period, which ensure that the outcome is broadly reflective of the will of the electorate. The TGoNU shall establish a strong and impartial mechanism to oversee and monitor the conduct of the elections and shall have local, regional and international membership. The verdict of this mechanism shall be accepted by the National Elections Commission.~~

~~n. The TGoNU shall establish a competent and impartial National Elections Commission to conduct free and fair elections towards the end of the Transitional Period. This Election shall ensure that the outcome is broadly reflective of the will of the electorate. The National Elections Commissions shall establish a competent and impartial mechanism to oversee and monitor the conduct of the elections and this mechanism shall have local, regional and international membership in accordance with the provisions of National Elections Law.~~

~~o. The TGoNU shall oversee the implementation of the federal system of Governance in accordance with the provisions of this Agreement- SPLM/A (IO).~~

~~p. The TGoNU shall conduct National Population and Housing Census before the end of the Transitional Period~~

- 6. In order to permit the establishment of the TGoNU no later than July 9, 2015:
  - ~~a. Determination of the remaining implementation arrangements of the mediation agenda shall be concluded by the Parties no later than March 31, 2015, and the Pre-Transition Period should begin on April 1, 2015.~~

~~All other outstanding issues of the conflict shall be resolved no later than March 31, 2015, and the Pre-Transition Period shall begin on April 1, 2015.~~
  - b. ~~The Peace Agreement shall be presented to the National Legislature and National Liberation Council of the SPLM/A (IO) for approval and ratification as is.~~
  - c. ~~Amendments to the Transitional National Constitution, 2011 for the incorporation of the Peace Agreement~~ ~~the will shall~~ be presented to the National Legislature in the Pre-Transition Period ~~and approved as is~~, and the President shall sign such amendments into law, no later than the end of the Pre-Transition Period.

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### 7. Duties and Responsibilities of the President and the First Vice President

#### Functions and Responsibilities of the President and the First Vice President- SPLM/A (IO)

The sharing of duties, functions and responsibilities of the President and the First Vice President shall be as follows:

Functions of the President	Joint Executive Functions	Functions of the First Vice President
<ul style="list-style-type: none"> <li>i) Preservation of security of South Sudan and protection of its territorial integrity;</li> <li>ii) Declaration and termination of a state of emergency in accordance with the provisions of the Constitution and the law, and in consultation with and consent of the First Vice President;</li> <li>iii) Assenting to and signing into law bills passed by the National Legislature;</li> <li>iv) Appointing the First Vice President in accordance with the Peace Agreement;</li> <li><del>v) Appointing Ministers and Presidential Advisors in consultation with and consent of the First Vice President and in accordance with the peace agreement;</del> <b>(Moved to Joint Powers)</b></li> <li>vi) Commander in Chief of the Armed Forces;</li> <li>vii) Chairs the Council of Ministers. The President may delegate the First Vice President to chair the Council of Ministers;</li> <li>viii) Chairs the National Defence Council (NDC);</li> <li>ix) Chairs the National Security Council;</li> <li>x) Confers National honors;</li> <li>xi) A symbol of national unity;</li> <li>xii) Represents the State, directs and supervises foreign policy</li> </ul>	<p>The President and the First Vice President shall:</p> <ul style="list-style-type: none"> <li>i) Jointly appoint constitutional office holders in accordance with the Peace Agreement and the law;</li> <li>ii) Jointly appoint state governors and may remove a state Governor and/or dissolve a state legislative assembly in the event of a crisis in the state that threatens national security and territorial integrity subject to the approval of the Council of States.</li> <li><b>iii) Jointly appoint Ministers and Presidential Advisors- SPLM/A (IO).</b></li> <li>iv) Jointly declare war in accordance with the Constitution and the law;</li> <li>v) Jointly appoint independent commissions, interim and ad hoc commissions and committees;</li> <li>vi) Jointly establish interim independent institutions and commissions including the judiciary;</li> <li>vii) Jointly convene, summon and/or adjourn the National Legislature in consultation with the Speaker;</li> <li>viii) Jointly initiate</li> </ul>	<ul style="list-style-type: none"> <li>i) Directing the work of Government and overseeing the preparation and consideration of Government business and programmes;</li> <li><del>ii) Commander in Chief of SPLM/SPLA forces during the Pre-Transition Period of this Agreement;</del> <b>Commander in Chief of SPLM/SPLA forces during the Pre-Transition Period of this Agreement and the period before the completion of the amalgamation of the two forces- SPLM/A (IO);</b></li> <li>iii) Coordinate implementation of the Peace Agreement and institutional reforms;</li> <li>iv) Chair sub-Committees of cabinet;</li> <li>v) Follow and ensure implementation of Cabinet Resolutions by relevant Ministries and institutions;</li> <li>vi) Appointment of the undersecretaries of ministries and heads public corporations and Executive Directors of commissions in consultation with the President and subject to approval by the council of ministers and the National Legislative Assembly;</li> <li>vii) Appointment of senior civil servants below the position of undersecretary in consultation</li> </ul>

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<p><i>and relations, and appoints ambassadors in consultation with and consent of the First Vice President;</i></p> <p>xiii) <i>Ratifies treaties and international agreements with the approval of the National Legislative Assembly.</i></p> <p>xiv) <i>Confirmation of death sentences and granting pardons and remitting convictions or Punishments in accordance to the constitution and the law.</i></p> <p>xv) <i>Any other function that may be conferred upon the President by the constitution or the law.</i></p>	<p><i>constitutional amendments;</i></p> <p>ix) <i>Jointly initiate legislation;</i></p> <p>x) <i>Commissioning, promotion, dismissal and retirement of officers SPLA and other regular forces in consultation with the National Defence Council and the National Security Council as appropriate.</i></p>	<p><i>with the President and after approval by the cabinet and in accordance with public service regulations;</i></p> <p>viii) <i>Causes the preparation of the annual budget of the National Government in consultation with the President and presents to the National Legislature;</i></p> <p>ix) <i>Presents government programmes to the National Legislative Assembly;</i></p> <p>x) <i>Deputy Chairman of the National Defence Council and National Security Council;</i></p> <p>xi) <i>In the absence of the President, the First Vice President shall be the acting Commander in Chief and Chairs the Council of Ministers;</i></p> <p>xii) <i>Any other function that may be conferred by constitution or the law.</i></p>
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The SPLM/A (IO) accepts the table above with the amendments in the first column (v) and third column (ii).

The following is the alternative GRSS position to the table above:

**A) The Powers of the President:**

The President of the Republic shall exercise all powers and functions prescribed as Presidential powers under the Transitional Constitution, 2011 and any other Laws of the Republic of South Sudan- GRSS.

**B) Powers of the Vice-Presidents:**

The two Vice Presidents shall each discharge such functions and responsibilities as shall be delegated by the President- GRSS.

8. ~~The responsibility and function of the Vice President is to serve as the principal assistant to the President. The Vice President will serve as a member of the National Security Council and the National Defence Council and perform any other function or duty that may be assigned to him by the President, as long as such assigned functions or duties do not conflict with the powers and functions of the First Vice President. (Deleted by mutual agreement)~~

9. ~~The President, the First Vice President and the Vice President will work collegially, and in a constant state of consultation. While it is acknowledged that consultation may take different forms such as phone calls, memoranda and other modes of communication, both~~

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~~written and electronic, all decisions will be rendered in writing to preclude conflict and misunderstanding.~~

*The President and the First Vice President will work collegially, and in a constant state of consultation. While it is acknowledged that consultation may take different forms such as phone calls, memoranda and other modes of communication, both written and electronic, all decisions will be rendered in writing to preclude conflict and misunderstanding-SPLM/A (IO).*

~~The President, the First Vice President and the Vice President will work collegially, and in a constant state of consultation. While it is acknowledged that consultation may take different forms such as phone calls, memoranda and other modes of communication, both written and electronic, all decisions will be rendered in writing to preclude conflict and misunderstanding. (Deleted as irrelevant- GRSS)~~

10. ~~In the event of a deadlock in the exercise of joint executive powers to appoint constitutional office holders, including state governors; the appointment and establishment of independent commissions, interim and ad hoc commissions and committees; and the initiation of legislation, the matter will be decided by the Council of Ministers, which will require the agreement of eighty (80) per cent of the members of the Council of Ministers.~~

*In the event of a deadlock in the exercise of joint executive powers as per the table above, the matters will be decided by the relevant institutions as per the Peace Agreement-SPLM/A (IO).*

*GRSS position item 10 is irrelevant and should be deleted except for decision making mechanisms in the council of Ministers addressed in II (3) below.*

## II. Power Sharing Ratios of the Council of Ministers

1. The Council of Ministers shall consist of the President, the First Vice President and twenty-seven (27) ministers, organized in three (3) clusters:

*The Council of Ministers shall consist of the President, the two (2) Vice Presidents, twenty-nine (29) ministers and eight (8) deputy ministers organized in three (3) clusters as follows: - GRSS*

*The Council of Ministers shall consist of the President, First Vice President, Vice President, twenty-nine (29) ministers and eight (8) deputy ministers organized in three (3) clusters as follows: - SPLM/A (IO)*

### a. Governance Cluster

#### i. Minister of Cabinet Affairs

ii. Minister of Foreign Affairs and International Cooperation

iii. Minister of Defense and Veterans' Affairs

iv. Minister of Interior

v. Minister of Justice and Constitutional Affairs

vi. Minister of National Security

#### vii. Minister of Parliamentary Affairs

viii. Minister of Information, Communication Technology and Postal Services

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ix. Minister without Portfolio in the Office of the President

b. Economic Cluster

- i. Minister of Finance
- ii. Minister of National Planning
- iii. Minister of Petroleum
- iv. Minister of Mining
- v. Minister of Agriculture and Food Security
- vi. Minister of Livestock and Fisheries
- vii. Minister of Trade and Industry
- viii. Minister of Energy and Dams
- ix. Minister of Transport
- x. Minister of Roads and Bridges
- xi. Minister of Environment and Forestry
- xii. Minister of Land, Housing and Urban Development
- xiii. Minister of Water Resources and Irrigation
- xiv. Minister of Wildlife Conservation and Tourism

c. Services and Social Development Cluster

- i. Minister of Education, Science and Technology
- ii. Minister of Health
- iii. Minister of Labour, Public Service and Human Resource Development
- iv. Minister of Gender, Child and Social Welfare
- v. Minister of Culture, Youth and Sports
- vi. Minister of Humanitarian Affairs and Disaster Management

2. Ministerial portfolios shall be allocated amongst the Parties to this Agreement according to the following percentages:

GRSS	SPLM/A (IO)	SPLM Leaders (FD) and Other Political Parties
60 per cent	30 per cent	10 per cent

GRSS accept the table as is.

SPLM/ A (IO) position is as the table below.

GRSS	SPLM/A (IO)	SPLM Leaders (FD) and Other Political Parties
45 per cent	45 per cent	10 per cent

3. Decisions by the Council of Ministers:

- a. on procedural issues, decisions will require a simple majority of members of the Council of Ministers.
- b. on substantive the issues affecting the peace agreement, decisions will require consensus. In the absence of consensus, decisions will require the agreement of eighty (80) per cent of the members of the Council of Ministers.

SPLM/A (IO) accepts item 3(a and b) with the amendment above.

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*Decisions of the Council of Ministers shall be taken by consensus and in lieu of that by simple majority of the members. Decisions pertaining to the Peace Agreement and its implementation shall be taken by two thirds (2/3) majority - GRSS.*

4. There shall be ~~seven~~ **eight (8)** (~~7~~) deputy ministers as follows:
  - i. Deputy Minister of Foreign Affairs and International Cooperation
  - ii. Deputy Minister of Defense and Veterans' Affairs
  - iii. Deputy Minister of Interior
  - iv. Deputy Minister of Justice and Constitutional Affairs
  - v. Deputy Minister of Information, Communication Technology and Postal Services
  - vi. Deputy Minister of Labour, Public Service and Human Resource Development
  - vii. Deputy Minister of Education, Science and Technology
  - viii. Deputy Minister of Agriculture and Food Security**
  
5. ~~Deputy ministerial positions shall be allocated as follows:~~  
**Ministerial and Deputy Ministerial positions shall be allocated by an adhoc committee of the Parties as per agreed percentages.**

	GRSS	SPLM/ A (IO)	SPLM Leaders (FD)	Other Political Parties	Total
Governance Cluster	3	2	0	0	5
Services and Social Development Cluster	0	0	1	1	2
	3	2	1	1	7

### III. National Assembly

1. Effective no later than July 9, 2015, the National Legislative Assembly shall be expanded from three hundred and thirty-two (332) to four hundred (400) members for the duration of the Transition. The National Legislative Assembly during the Transition shall comprise the existing membership of the National Legislative Assembly, and an additional sixty-eight (68) members to be appointed according to the following allocations: GRSS: sixty (60) per cent; SPLM/A (IO): thirty (30) per cent; other political parties: ten (10) per cent. **Fully accepted by - GRSS.**

*Effective no later than July 9, 2015, the National Legislative Assembly shall be dissolved and reconstituted with four hundred (400) members for the duration of the Transition Period. The allocation of the 400 seats shall be in accordance with the agreed percentages. – SPLM/A (IO)*

2. ~~Election of the Speaker of the National Legislative Assembly will be conducted once the expansion of the membership of the Assembly is complete, as provided for in article III (1) of this Agreement. The Speaker will be elected from amongst the members of the National Legislative Assembly representing the three (3) states of Equatoria.~~  
**The leadership of the National Legislative Assembly and the Council of States shall be reviewed as soon as the national legislative Assembly is expanded. – GRSS**



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*Election of the Speaker of the National Legislative Assembly will be conducted once the reconstitution of the membership of the Assembly is complete, as per article III (1) of this Agreement. The Speaker will be elected from amongst the members of the National Legislative Assembly representing SPLM/A (IO). – SPLM/A (IO)*

3. Decisions in the National Legislative Assembly shall be by consensus. In the absence of consensus, decisions will require the agreement of eighty (80) per cent of the members of the National Legislative Assembly. – Accepted by SPLM/A (IO)

*Decisions in the National Legislative Assembly shall be by consensus, in lieu of that, by simple majority of the members present and voting. However, on issues pertaining to the peace agreement decisions shall be taken by two thirds (2/3) majority of all the members. - GRSS*

4. The term of the National Legislative Assembly shall be extended to run concurrently with that of the TGoNU, until such time as elections are held. Fully accepted by GRSS

*The term of the reconstituted National Legislative Assembly shall be extended to run concurrently with that of the TGoNU, until such time as elections are held. – SPLM/A (IO)*

5. The term of the Council of States shall be extended to run concurrently with that of the TGoNU, until such time as elections are held. The composition of the Council of States shall remain as currently constituted, for the duration of the Transition Period. Fully accepted by GRSS

*The Senate (Council of States) shall be dissolved and reconstituted with 105 members. The membership of the reconstituted Senate shall be apportioned as per the agreed percentages. The term of the Senate (Council of States) shall be extended to run concurrently with that of the TGoNU, until such time as elections are held. –SPLM/A (IO).*

6. The National Legislative Assembly shall facilitate oversee the implementation of the Peace Agreement and the reforms there in. , constitutional, legal and institutional reforms during the implementation of the TGoNU.

### IV. Federalism

1. During the Transition Period, the TGoNU shall complete the permanent constitutional process in South Sudan, which shall determine the future structure of government and the implementation of a federal system of governance. Fully accepted by GRSS

*During the Transition Period, the TGoNU shall complete the permanent constitution making process in South Sudan. It shall operationalize the structures of Government including the implementation of the federal system of governance. – SPLM/A (IO)*

2. The TGoNU shall revise the terms of the permanent constitutional process, to ensure an inclusive, consultative and transparent process, and one that responds to the popular demand of the people of South Sudan to introduce a federal system of governance. Fully accepted by GRSS

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*The TGoNU shall establish a National Constitutional Commission to carry out the process of permanent constitution making, this is to ensure an inclusive, consultative and transparent process, and one that responds to the popular demand of the people of South Sudan to consolidate federal system of governance. – SPLM/A (IO)*

3. The TGONU shall effectively decentralize and devolve power to the states and counties, in areas including law enforcement, ~~judicial-administration~~ of Justice, and public service provision. The TGONU shall allocate to the states and counties financial resources sufficient to implement these devolved powers. **Accepted by GRSS with the amendment.**

*The TGONU shall effectively decentralize and devolve power to the states and counties, in areas including law enforcement, administration of Justice, and public service provision. The TGONU shall allocate to the states and counties financial resources as per the agreed wealth sharing formula to implement these devolved powers. This is to consolidate federal system of governance. – SPLM/A (IO)*

## V. Transitional Security Arrangements

1. The GRSS and the SPLM/A (IO) declare and enter into a Permanent Ceasefire, to ensure sustainable peace, effective transitional security arrangements, and the resettlement of refugees **returnees** and internally displaced persons (IDPs).
2. The Permanent Ceasefire shall come into effect within seventy-two (72) hours of the signing of the final peace agreement, and shall apply to all forces of the GRSS and the SPLM/A (IO), and all other forces, armed groups, or militias allied to either Party.
3. The Permanent Ceasefire shall be based on the articles of the Cessation of Hostilities Agreement (CoHA) of January 23, 2014 and its implementation modalities matrix. The Parties agree to maintain the current CoHA until the declaration of the Permanent Ceasefire, and shall disseminate appropriate orders to their troops and allies, in line with this Agreement and the final peace agreement, immediately upon signing of the final peace agreement.
- ~~4. The Parties in conflict agree to initiate equitable and participatory Joint Security Coordination Structures including (but not limited to) a Joint Military Coordination Board (JMCB) to coordinate the implementation of the Permanent Ceasefire and Transitional Security Arrangements. The JMCB will be accountable to the TGoNU through the National Security Council and the National Defence Council. The JMCB shall be composed of one High Level Commander from each party tasked with the responsibility of ensuring their forces are cantoned in assembly areas, reintegrated and demobilized and as such they will report to the Board on the progress.~~
- ~~5. The Parties agree to initiate a holistic Strategic Defence and Security Review (SDSR). The SDSR will be conducted by a multi-stakeholder Board, reporting to the TGoNU, through the National Security Council and National Defence Council. The Chairperson and the Deputy Chairperson of the SDSR Board will be appointed by the President and First Vice President supported by a technical committee appointed on equal representation.~~

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- ~~6. The results of the participatory SDSR will provide detailed policies for a subsequent Security Sector Transformation (SST) process, including the future command, function, size, composition and budget of South Sudan's national army and security forces, and DDR requirements. Furthermore, the results of the SDSR will be implemented through the Joint Security Coordination Structures described in Article V (4) of this Agreement.~~

Items 4, 5 and 6 deferred by mutual agreement to the Permanent Ceasefire and security arrangements committee

### VI. Justice, Accountability, Reconciliation and Healing

1. During the Transition Period, the TGoNU shall establish a hybrid Commission for Truth, Reconciliation, and Healing, a Reparations Commission, a dedicated, special fund for reconstruction and development and an independent hybrid judicial body to investigate and prosecute individuals bearing the greatest responsibility for violations of international humanitarian law.

*During the Transition Period, the TGoNU shall establish a Commission for Truth, Reconciliation, and Healing, a dedicated special fund for reconstruction and development and an independent hybrid judicial body to investigate and prosecute individuals bearing the greatest responsibility for violations of domestic and international humanitarian law. - GRSS*

*During the Transition Period, the TGoNU shall establish a Commission for Truth, Reconciliation and Healing, Compensation and Reparations Commission and a dedicated special fund for reconstruction and development and an independent hybrid judicial body to investigate and prosecute individuals bearing the responsibility for violations of domestic and international humanitarian law. TGoNU shall cooperate with International tribunals on the same matters – SPLM/A (IO)*

- ~~2. The hybrid Commission for Truth, Reconciliation, and Healing shall be established with participation from South Sudanese and eminent African personalities, and involve, where appropriate, local efforts for reconciliation and healing, to spearhead efforts to address the legacy of conflict in South Sudan. The mandate of the Commission shall be to establish an accurate and impartial historical record of human rights violations, identify victims and perpetrators, record the experiences of victims, and facilitate local and national reconciliation and healing.~~

The Commission for Truth, Reconciliation, and Healing shall be established to spearhead efforts to address the legacy of conflict in South Sudan. Eminent African personalities and others shall assist the process. The mandate of the Commission shall be to establish an accurate and impartial historical record of human rights violations, identify victims and perpetrators, record the experiences of victims, and facilitate local and national reconciliation and healing.

3. The independent hybrid judicial body, with participation from South Sudanese and eminent African lawyers and jurists, shall be established to investigate and prosecute individuals bearing the greatest responsibility for violations of international humanitarian law, and/or applicable South Sudanese law, committed since December 15, 2013.

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4. The Reparations and Compensation Commission shall assess the immediate needs of victims, and develop criteria for the implementation of reparation and compensation programmes, including the provision of immediate reparations to conflict-affected persons in urgent need. *Accepted by SPLM/A (IO) with the amendment.*

*GRSS position is that, this issue is addressed in item I (51).*

5. ~~A detailed action plan for the reconstruction of war-affected areas will be prepared to guide the work of the dedicated special fund for reconstruction and development of war-affected areas.~~

*A detailed action plan for the reconstruction of war-affected areas and the rebuilding of livelihoods of war affected communities will be prepared to guide the work of the dedicated special fund. – GRSS*

*A detailed action plan for the compensation, reparation and reconstruction of war-affected areas will be prepared to guide the work of the dedicated special fund for compensation, reparation and reconstruction and development of war-affected areas. – SPLM/A (IO)*

### VII. Regional and International Stabilization Force

1. The Parties agree that there shall be transitional third party security arrangements (IGAD-led or any other arrangements, as agreed) for the members of the TGoNU returning to Juba and in all other locations identified and agreed to by the Parties. Third party security units shall provide office and residential perimeter security to, as well as static and mobile security during movement of agreed individuals of the TGoNU and other agreed persons. *Accepted by the GRSS.*

*Defer to Security Committee by the SPLM/A (IO)*

### VIII. Participation of the other Political Parties

1. The participation of the political parties of South Sudan in the mediation process is essential in ensuring a broad-based, inclusive process and agreement. The nineteen (19) political parties of South Sudan who participated in the IGAD-organised June 8, 2014 selection meeting in Addis Ababa will be allowed to determine their representatives in the mediation process, respecting the principle of multi-stakeholder participation and according to the procedures determined by IGAD.

*Accepted and defer to the Principals- SPLM/A (IO)*

*Seventeen (17) registered political parties and clarifications needed from IGAD Envoys- GRSS*

### IX. Joint Monitoring and Evaluation Commission

1. During the Pre-Transition Period, the Parties, in conjunction with the Guarantors, agree to establish a Joint Monitoring and Evaluation Commission (JMEC).

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2. The JMEC will be responsible for monitoring and overseeing the implementation of the Agreement and the mandate and tasks of the TGoNU, including the adherence of the Parties to the agreed timelines and implementation schedule. In case of non-implementation of the mandate and tasks of the TGoNU, or other serious deficiencies, the JMEC ~~may~~ shall recommend appropriate corrective action to the TGoNU.

### **X. Completion of Negotiations on Remaining Thematic Issues**

1. The Parties agree to complete negotiations on **all the other outstanding issues** ~~the thematic areas of economic and public finance management, humanitarian affairs, justice and accountability, and remaining details of security sector arrangements,~~ **and sign a Peace Agreement** no later than March 31, 2015.

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Done in Addis Ababa, this 31<sup>st</sup> of January 2015.

## SIGNATORIES:

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H. E. Salva Kiir Mayardit  
President of the Republic of South Sudan

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H. E. Dr. Riek Machar Teny  
Chairman and Commander In Chief,  
SPLM/SPLA (IO)

## WITNESSED BY:

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Deng Alor Kuol  
For the SPLM Leaders (Former Detainees)

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For Political Parties of South Sudan

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Alokiir Malual Aguer  
Representative of Civil Society of South  
Sudan

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Bishop Enock Tombe Loro  
For the Faith Based Leaders of South Sudan

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Amer Manyok Deng  
Representative of Women's Bloc of South  
Sudan

## GUARANTORS:

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H. E. Ato Hailemariam Dessalegn  
Prime Minister of the Federal Democratic Republic of Ethiopia and Chair of the  
Intergovernmental Authority on Development

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H. E. Dr. Nkosazana Dlamini Zuma  
For the African Union Commission